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Attorneys for the Consumer Claims Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:
In re	: Chapter 11
	:
DITECH HOLDING CORPORATION, et al.,	: Case No. 19-10412 (JLG)
	:
Wind Down Estates.¹	: (Jointly Administered)
	: Related Dkt. No. 2141
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**INFORMAL RESPONSE OF JOHN M. HARPER TO THE CONSUMER CLAIMS
TRUSTEE'S FIFTEENTH OMNIBUS OBJECTION TO PROOFS OF CLAIM
(INSUFFICIENT DOCUMENTATION UNSECURED CONSUMER CREDITOR
CLAIMS) (ECF NO. 2141)**

¹ On September 26, 2019, the Court confirmed the *Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors* (ECF No. 1404) (the “**Third Amended Plan**”), which created the Wind Down Estates. On February 22, 2022, the Court entered the Order Granting Entry of Final Decree (I) Closing Subsidiary Cases; and (II) Granting Related Relief (ECF No. 3903) (the “**Closing Order**”). Pursuant to the Closing Order, the chapter 11 cases of the following Wind Down Estates were closed effective as of February 22, 2022: DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Mortgage Asset Systems, LLC (8148); REO Management Solutions, LLC (7787); Reverse Mortgage Solutions, Inc. (2274); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). Under the Closing Order, the chapter 11 case of Ditech Holding Corporation (the “**Remaining Wind Down Estate**”) (Case No. 19-10412 (JLG)) remains open and, as of February 22, 2022, all motions, notices and other pleadings relating to any of the Wind Down Estates are to be filed in the case of the Remaining Wind Down Estate. The last four digits of the Remaining Wind Down Estate’s federal tax identification number is (0486). The Remaining Wind Down Estate’s principal offices are located at 2600 South Shore Blvd., Suite 300, League City, TX 77573.

In response to the *Consumer Claims Trustee's Fifteenth Omnibus Objection to Proofs of Claim (Insufficient Documentation Unsecured Consumer Creditor Claims)* (ECF No. 2141), the Consumer Claims Trustee received an informal response from Claimant John M. Harper regarding proof of claim 21504. A true and correct copy of the informal response is attached hereto as Exhibit A,

The attached copy of the informal response is being filed on the docket, without any representations or certification as to its contents, to provide a record for the Court.

Dated: August 17, 2022
New York, New York

/s/ Richard Levin
JENNER & BLOCK LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 891-1600
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Attorneys for the Consumer Claims Trustee

Exhibit A

John M. Harper Informal Response

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE:

**DITECH HOLDING CORPORATION, *et al.*,
DEBTOR**

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§
§
§
§

**CASE NO. 19-10412
CHAPTER 11**

**RESPONSE TO CONSUMER CLAIM TRUSTEE'S
OBJECTION TO PROOFS OF CLAIM**

John M. Harper files this Response to the Trustee's Objection to his Proof of Claim and in support of his Proof of Claim advises the court of the following:

1. John M. Harper's (hereinafter "Harper") Proof of Claim involves his home at 1211 Bay Oaks, Houston, Texas 77008 that he has owned and lived in since March 2000.
2. The mortgage on the home has been sold/transferred to several different entities and is now being serviced by Shellpoint Mortgage Servicing.
3. During the time the mortgage was being serviced by Ditech, numerous issues arose which have still not been resolved despite countless letters, e-mails, phone calls and other communications with Ditech's attorneys.
4. Specifically, the following are issues that are still outstanding and are the basis of Harper's Proof of Claim.
 - a. Payments made by Harper have not been applied to his account, including but not limited to payments between November 11, 2003 – January 5, 2005¹;
 - b. Taxes which were paid to the taxing authorities were not properly credited to Harper's account;
 - c. Periods of forbearance due to disaster declarations by FEMA were not properly applied to Harper's account;
 - d. Escrow payments were not correctly applied. This led to Ditech increasing the required escrow payments which improperly increased the monthly payment which Harper was unable to fully pay;
 - e. Harper's suspense account has been incorrectly calculated;

- f. Harper is owed insurance proceeds of approximately \$17,000.00, which Ditech has failed to release to him for over 7 years;
 - g. Harper is being improperly charged a monthly "Property Inspection Fee" of \$15.00 which is increasing the debt allegedly owed;
 - h. Harper attempted to make payments toward his balance but Ditech refused to accept his payments as he was being sent to foreclosure;
 - i. Harper attempted to avail himself of offers of loan modifications but the changes in his payments and then the denial of his loan modification led to errors in the amount due and owing on his account;
 - j. Harper has continually made efforts to resolve the issues with his account but has still not received information requested from Ditech since Ditech begin servicing the loan.
5. Ditech's failure to address the issues that have been raised by Harper has placed Harper in a position that makes it impossible for him to pay the alleged reinstatement amount and he has been advised that his home will be foreclosed upon unless his account is brought current.
6. Ditech's actions/inactions have caused Harper to sustain damages which include but are not limited to interest charges, late payment fees, attorney fee charges, and property inspection fees. Harper has also suffered damages due to payments not applied to his account as well as damages for Ditech's refusal to release his insurance proceeds to him.
7. Harper is representing himself and has authority to settle and resolve the Claim he has made on his behalf.

Respectfully submitted,

/s/ John M. Harper

John M. Harper
1211 Bay Oaks
Houston, Texas 77008
Phone: 281-216-7777
E-mail: airmike777@gmail.com

¹ The reconciliation provided by Ditech did not include this time frame.

CERTIFICATE OF FILING/SERVICE

Pursuant to this court's order the foregoing response to the Trustee's objection has been sent to the following:

Consumer Claims Trustee
Tara Twomey
Ditech Consumer Recovery Trust
c/o Settlement Administrator
P.O. Box 1607
Blue Bell, PA 19422
VIA E-MAIL: info@ditech-settlement.com

NOT SENT

Richard Levin
Jenner & Block LLP
919 Third Avenue
New York, NY 10022
VIA E-MAIL: rlevin@jenner.com

Honorable James L. Garity, Jr.
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004

/s/ John M. Harper
John M. Harper

Voicemail

Barry Heslop <barry@hesloplaw.com>
To: Mike Harper <airmike777@gmail.com>

Tue, Dec 22, 2020, 3:08 PM

Mike,

1. Thank you for your call and concern.
2. I am sorry to hear that you had COVID, but glad to hear you are doing better. I have known a few people who got it and some had minimal symptoms while one was in the hospital for over a month, and is still using supplemental oxygen six weeks later.
3. I will provide you with a flash drive that will have copies of all relevant documents on it. (I provided hard copies of everything to you as the documents were received.) However, I won't be able to provide the flash drive to you until the first of the new year. I am in the process of moving offices and your file is currently inaccessible. Additionally, Ana is on vacation for the remainder of this year so it will take a little while before everything can be scanned in.
4. I know some real estate lawyers but not any that handle your type of case. However, I will see if I can find a referral for you.
5. I did locate a bookkeeper who might be able to help you but that person's information is in your file which is currently inaccessible. However, once I get things unpacked I will send you that person's contact information.

If you have any questions, let me know.

Barry C. Heslop
Attorney at Law
1111 Heights Boulevard
Houston, Texas 77008
phone: 713.426.0777
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E-mail: barry@hesloplaw.com

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[Quoted text hidden]

Office of the Consumer Claims Trustee
Ditech Holding Corp. Consumer Creditor Recovery Trust
PO Box 1607
Blue Bell, PA 19422

December 21, 2020

Mr. John Harper
1211 Bay Oaks Road
Houston, TX 77008

(RECD
12/30/2020)

Dear Mr. Harper,

You filed proof of claim No. 21504 in Ditech's bankruptcy case. We filed an objection to that claim on April 10, 2020 because we did not have sufficient documentation to evaluate the claim against Ditech. The response to the objection was due on May 8, 2020.

You requested and were granted multiple extensions to file a response. To date we have not received a written response to the objection. If we do not receive a written response by January 15, 2020, then we will consider the claim uncontested and will move forward with our objection on that basis on the hearing on January 28, 2020, at 11:00am ET.

If you have questions, please contact us at info@ditech-settlement.com or (877) 783-6297.

With best regards,


Tara Twomey
Claims Trustee/Consumer Rep.

(COPY)